



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR OPN MND MNR MNSD MNDC FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord participated in the teleconference hearing, but the tenants did not call into the hearing. The landlord submitted evidence that they served the tenants with the application for dispute resolution and notice of hearing by registered mail sent on September 22, 2016. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenants were deemed served with notice of the hearing on September 27, 2016, and I proceeded with the hearing in the absence of the tenants.

At the outset of the hearing the landlord stated that the tenants vacated the rental unit on November 4, 2016. I therefore dismissed the portions of the landlord's application regarding an order of possession.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenant first began occupying the rental unit in late 2014. The landlord and the tenants subsequently entered into a fixed term tenancy that began June 1, 2016 and was to end on May 31, 2018. Rent in the amount of \$1,225.00 was payable in advance on the first day of each month. The tenants paid the landlord a security deposit of \$600.00 and a pet deposit of \$600.00.

The tenants did not pay rent for September 2016, and on September 10, 2016 the landlord served the tenants with a notice to end tenancy for unpaid rent. The tenants then failed to pay rent for October or November 2016, and they vacated the rental unit on November 4, 2016. The landlord stated that they were able to re-rent the unit beginning November 15, 2016, and they have therefore claimed unpaid rent and lost revenue for September, October and the first half of November 2016. The landlord also claimed a move-out fee of \$100.00.

Analysis

Based on their undisputed evidence, I find that the landlord is entitled to monetary compensation as claimed.

As the landlord's application was successful, they are also entitled to recovery of the \$100.00 filing fee for the cost of this application.

Conclusion

The landlord is entitled to \$3,262.50. I order that the landlord retain the security and pet deposits of \$1,200.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2,062.50. This order may be filed in the Small Claims Court and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: December 13, 2016

Residential Tenancy Branch